

REMARKS

Claims 1-17 are pending in the action. Claims 1 and 5-9 have been amended. New claims 10-17 have been added. No new material has been added.

The Office states that new corrected drawings are required. The Applicant herewith submits a new full set of formal drawings. The Applicant believes these drawings are in compliance with 37 CFR 1.121(d) and respectfully requests this requirement be withdrawn. Further, Applicant herewith submits annotated sheets 5/8 and 8/8 showing the changes in Figures 5 and 8. The changes are corrections to the reference numbers, which are also reflected in the changes to the specifications.

The Office rejects claims 1-2, 4-7 and 9 pursuant to 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,182,076 to Yu ("Yu") in view of U.S. Patent No. 6,330,976 to Dymetman ("Dymetman"). The Applicant respectfully disagrees and traverses this rejection.

The Yu reference is directed to an authentication system comprising at least one web client station, web server station and an authentication center. The web client station is linked to a web cloud and provides selected biometric data of an individual using the web client station. The web server station is also linked to the web cloud and the authentication center is linked to at least one web client and web server station so as to receive the biometric data. The authentication center contains records of enrolled individuals and provides for comparison of the provided data with selected records. The comparison allows a determination of whether the live data sufficiently matches the selected records so as to authenticate the individual seeking access of the web server station. See Abstract.

Embodiments of the present invention are directed to a data input, storage and retrieval system for obtaining and storing authorization data. In embodiments of the invention, a user is presented with a data receiving region configured to receive input data. The user inputs data via an input device directly into the data receiving region. In one embodiment, the user inputs data, such as a signature, via a standard computer mouse into an input pad. The input data is stored in a database. If a question arises as to the user's authorization of a particular event, such as a transaction, the user's signature can be retrieved from the database for review. The system,

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In the Drawings:

The attached eight "8" sheets of drawings, each marked "REPLACEMENT SHEET", are formal drawings and include changes to Figures 5 and 8.

In Figure 5, number 53 has been added, reference number 53 has been changed to 54, reference number 54 has been changed to 55, and reference number 61 has been added.

In Figure 8, one of the reference numbers 80 has been changed to 82.

Replacement sheets 1/8 – 8/8 and annotated sheets 5/8 and 8/8 are attached herewith.

however, does not compare the user's input signature to a stored signature.

With respect to claims 1 and 5, the Office states that Yu discloses "a software applet wherein the software applet configures an input pad (i.e., the interface mechanism)" and further contends that the Yu reference discloses "a fitting algorithm, wherein the fitting algorithm is configured to smooth user indicia input into the input pad (i.e., comparison algorithms). The Applicant respectfully disagrees.

The interface mechanism of Yu "receives the data acquired by the biometric I/O devices" (col. 6, lines 45-46) and "can ...be implemented as a Java applet" (col. 7, lines 30-31).

According to Yu, the interface mechanism "controls the biometric I/O devices 16 responsive to parameters associated with respective Web server stations 20". Col. 6, lines 58-60. Although Yu describes some functionality of the interface mechanism (see col. 7, lines 1-19), Yu fails to describe or disclose that the interface mechanism, including the applet implementation, "configures an input pad" as required in claim 1. Indeed, all Yu discloses is that the applet can be downloaded in the "page carrying parameters", wherein the parameters are presumably associated with the respective Web server station. See col. 6, lines 58-60 and col. 7, lines 31-32. It does not, however, teach or suggest that the applet "configures an input pad" as required in claim 1. As this limitation is not found in the reference and the Office fails to specifically indicate the language of Yu supporting this limitation, the Applicant contends that Yu fails to meet this limitation of claim 1.

Further, the comparison algorithm of Yu "generally [is] implemented to determine the statistical closeness of the live data to the records". Col. 11, lines 41-42. In contrast to the comparison algorithm of Yu, embodiments of the present invention do not compare the input user indicia with any stored records. Indeed, the stored records are merely retrieved to provide evidence of a specific event, for example, the purchase of an item. The stored records are not reviewed upon a user inputting user indicia, nor are they retrieved at this time, as their purpose is not for comparison of current input data.

Further, at the time of entering the data, a fitting algorithm can be employed to smooth the user indicia. The smoothing, however, is not for the purpose of comparison, but rather to

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‘smooth’ any ‘jerky’ or ‘jagged’ portions of the signature. See specification, at 10, 4th paragraph.

The Office further contends that Yu discloses a processing script. It appears that the Office is asserting that the authentication center is the processing script. See col. 11, lines 5-35.

Although Yu discloses that the “center 24 generally creates and maintains its own biometric databases, via enrollment of individuals” (col. 11, lines 31-34), this fails to meet the limitation of “a processing script” within the context of claims 1 and 5. The processing script in claims 1 and 5 “receives the processed input user indicia and stores the user indicia in the storage database.”

Claim construction requires that “the processed input user indicia” must be the same throughout the claim. Thus, the processed input user indicia must refer to currently input data, or the Office’s assertions regarding the other limitations are nonsensical. For example, the comparison algorithm, equated to the fitting algorithm, “determine[s] the statistical closeness of the live data to the records”. Col. 11, lines 41-42. The “live data” is compared to records *previously* populated into the database. The “live data”, however, is not stored, it is only compared to previously stored data records. Yu is directed to authentication of the identity of a user attempting to access a server for information or resources provided by that server by comparing the currently input data with stored data. If we assume, as contended by the Office, that Yu meets the limitation of a processing script, and thus we are referring to the population of the authentication center’s databases, the remaining limitations cannot be met by Yu as there is no teaching or suggestion of the manner in which to populate the center’s databases. In this regard, the remaining limitations are not met by Yu.

It is clear from above that the Yu reference fails to meet the claim limitations of claims 1 and 5. In particular, Yu fails to meet, in part, the limitations of “a software applet, wherein the software applet configures an input pad”, “a fitting algorithm”, and “a processing script”.

Regarding claim 9, similar to claims 1 and 5, Yu, in part, fails to meet the limitation of “presenting ...an HTML page containing an applet, wherein the applet configures an input pad”. Further, Yu fails to meet the limitation of “applying a fitting algorithm” as Yu merely compares the input data to *previously* stored data. Yu does not alter the input data, such as, smoothing the data, nor has the Office provided any language in Yu that suggests or teaches this limitation.

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Further still, Yu fails to meet the limitation of “storing the user indicia in a database”. As discussed above, if it is assumed that Yu meets this limitation, Yu cannot meet the other limitations because claim construction dictates that “the user indicia” must be the same user indicia throughout the claim. Thus, if it is assumed that Yu stores the input data, as the ‘live data’ is not stored, the ‘input data’ must refer to user data input upon enrollment which is stored in the authentication center’s database. This is *not* the same user data input during use of the system, e.g., the ‘live data’ that is compared to the stored data. Finally, Yu does not “convert[] the compressed user indicia to a digital bitmap image”, and there is no language supporting this limitation. In light of the above, Yu fails to meet all of the limitations of claim 9, and thus, the Applicant respectfully requests that this rejection be withdrawn.

With regard to claims 2, and 4-7 these claims depend from claims 1 and 5. As claims 1 and 5 are allowable, these dependent claims are allowable. As such, the Applicant respectfully requests the Office withdraw this rejection.

The Office further rejects claims 3 and 8 pursuant to 35 U.S.C. §103(a) as being unpatentable over Yu in view of Dymetman and in further view of U.S. Patent No. 6,064,751 to Smithies. The Applicant respectfully disagrees and traverses the rejection.

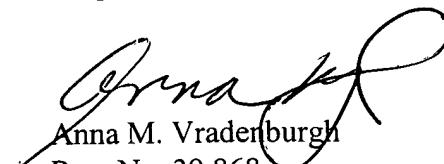
The Applicant refers to the arguments set forth above regarding the Yu reference. As claims 1 and 5 are not met by the Yu reference, and claims 3 and 8, depend directly or indirectly from claims 1 and 5, these claims are also allowable.

Claims 10-17 have been added. These claims depend from independent claims 1 or 9, directly or indirectly. None of the elements recited in these claims are found in the cited references. Finally amendments to the claims are for clarity only (claims 1, 5 and 9) or to correct dependency (claims 6-8).

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The Applicant believes that the claims are now in condition for allowance. As such, the Applicant respectfully requests that the Office withdraw the rejections and pass the claims onto allowance.

Respectfully submitted,



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AMV/mas
Enclosures: drawing set



5/8

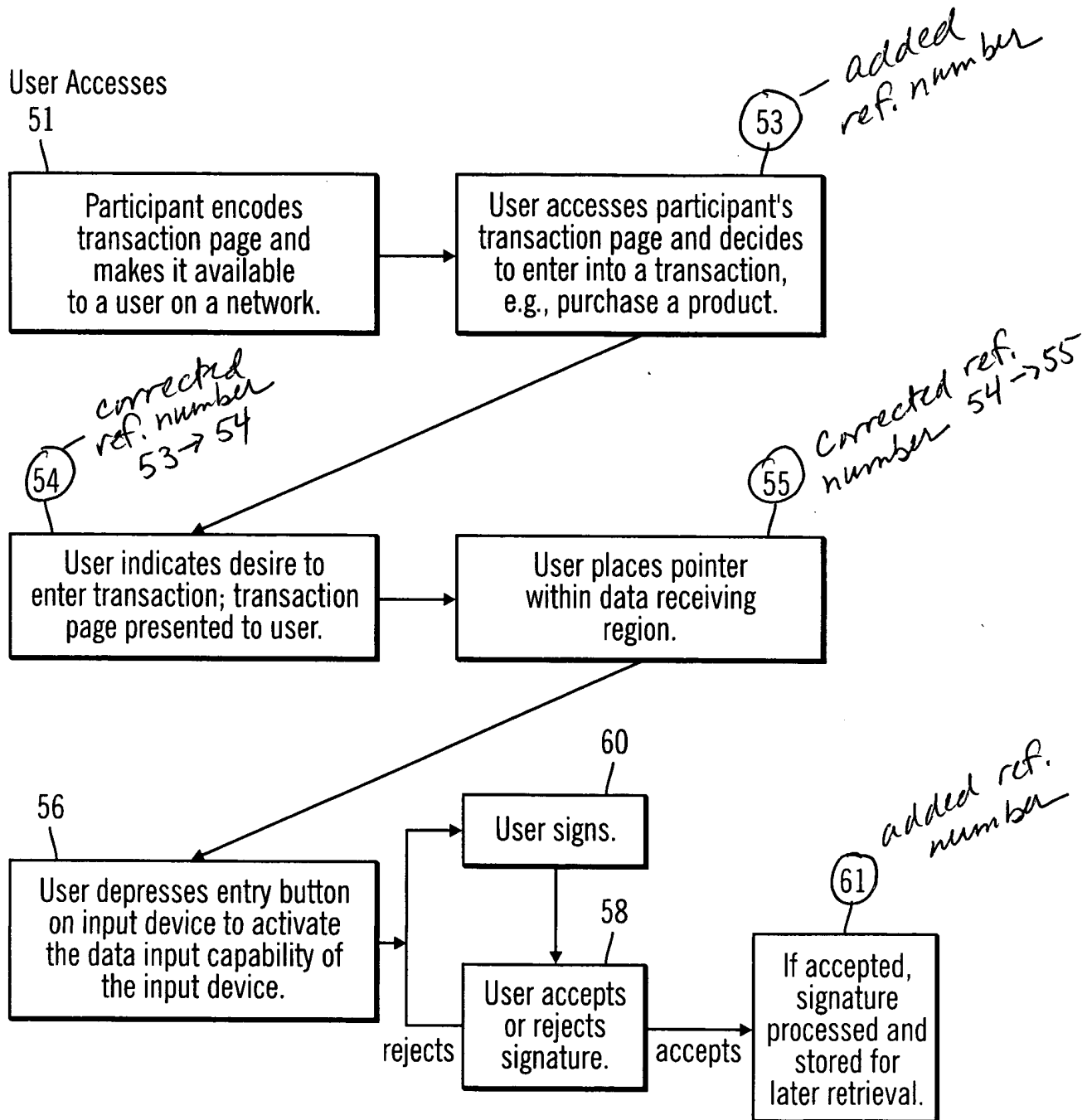
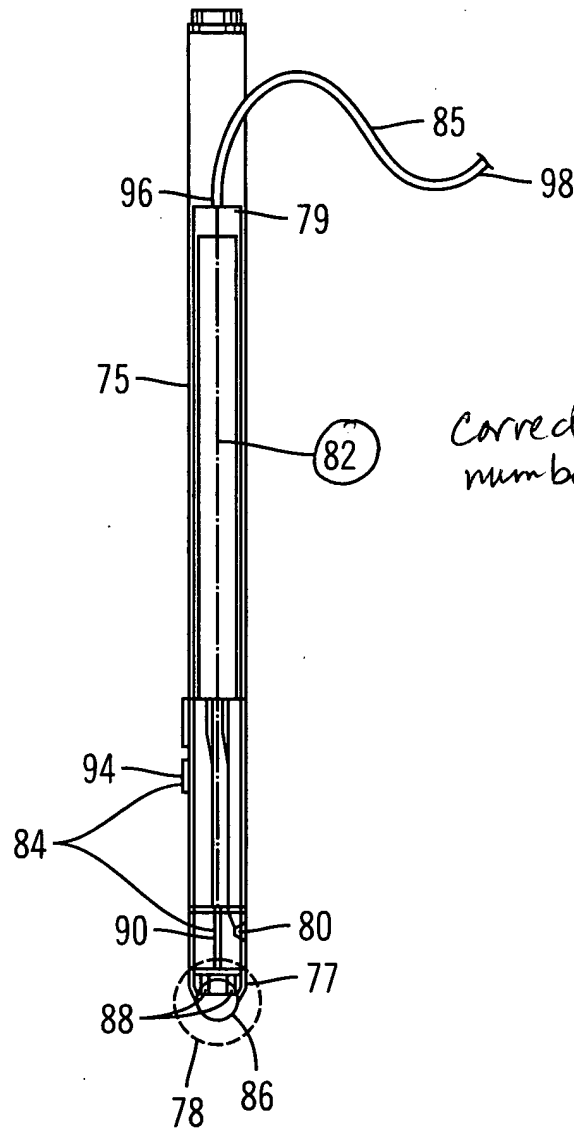


FIG. 5



Corrected ref.
number 80 → 82

FIG. 8